



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-28

Date: April 27, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 275A Highland Avenue

Applicant Name: Lennie Alickman

Applicant Address: 54 Harry Kemp Way #3, Provincetown, MA 02657

Owner Name: Stacy Alickman Trust

Owner Address: 54 Harry Kemp Way #3, Provincetown, MA 02657

Alderman: Mark Niedergang

Legal Notice: Applicant, Lennie Alickman, and Owner, Stacy Alickman Trust, seek a special permit under 4.4.1 of the Somerville Zoning Ordinance to perform alterations to a nonconforming structure that include relocating a door and windows. RC zone. Ward 5.

Dates of Public Hearing: Zoning
Board of Appeals – May 3, 2017



I. PROJECT DESCRIPTION

1. Subject Property: The locus contains an approximately 5,500 parcel on the northern side of Somerville Avenue that consists of four condominium units. Three units are in the main dwelling structure and a fourth unit is located in a former commercial space positioned toward the sidewalk adjacent to Highland Avenue.

2. Proposal: The proposed is to perform exterior and interior alterations to the fourth unit. The scope of the proposed work includes relocating windows on Highland Avenue, the relocation of the front entry on Highland Avenue that will be relocated to the east side of the building, the installation of a new door in the rear of the fourth unit, and replacing the siding.

3. Green Building Practices: The Application states that spray foam insulation will be used.

4. Comments:

Ward Alderman: Alderman Niedergang has been contacted but has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area and front, left, and right yard setbacks.

The proposal will impact the nonconforming dimensions of the front yard and right side yard setback. There is currently no front yard setback as the fourth unit is located on the front property line. The proposal includes relocating the windows to be located higher on the front and relocating the entry door from the front to the right side of the structure. The right side yard currently has a setback of 4.2 feet where 6 feet is required for a one-story structure in the RC zoning district. These alterations to a nonconforming structure requires the Applicant to obtain special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow the condominium unit owner to better utilize the interior space and increase the amount of privacy. The proposal has been designed with setbacks that do not encroach any further into the existing setbacks.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The surrounding neighborhood is comprised of numerous three-story dwellings with a variety of uses that include residential, mixed use, and commercial. Staff finds that the proposal to alter the exterior will fit in with the surrounding neighborhood.

Impacts of Proposal (Design and Compatibility): The proposal will alter the location of the front entry from being located directly off of the sidewalk to be located on the east side of the structure. There are currently two windows and a recessed entry way on the front. The front will include three windows that will resemble the same size of the existing windows but will be located higher on the front elevation.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no adverse impacts on the stock of existing affordable housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

The proposal will preserve the residential character of this particular site while enhancing the appearance of the structure.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the exterior renovations of the fourth condominium unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 20, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 20, 2017</td><td>Plans submitted to OSPCD (T.10, A1.0, A2.0, A3.0, A4.0, and P1.0)</td></tr></table>				Date (Stamp Date)	Submission	March 20, 2017	Initial application submitted to the City Clerk's Office	March 20, 2017	Plans submitted to OSPCD (T.10, A1.0, A2.0, A3.0, A4.0, and P1.0)
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng							
Construction Impacts										
3	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
4	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Design										
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.							

Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
10	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

